

NEW ZEALAND HOSPITAL BOARDS' ENGINE-DRIVERS,
FIREMEN, AND GREASERS.—AWARD

[Filed in the Office of the Clerk of Awards, Wellington]

In the Court of Arbitration of New Zealand, Northern, Taranaki, Wellington, Marlborough, Nelson, Westland, Canterbury, and Otago and Southland Industrial Districts.—In the matter of the Industrial Conciliation and Arbitration Act, 1925, and its amendments; and in the matter of an industrial dispute between the New Zealand Engine-drivers, River Engineers, Marine-engine Drivers, Greasers, Firemen, and Assistants' Industrial Union of Workers (hereinafter called "the union") and the undermentioned Boards, Committees, and Hospitals (hereinafter called "the employers") :—

NORTHERN INDUSTRIAL DISTRICT

Auckland Hospital Board, Kitchener Street, Auckland.
Mater Misericordiae Hospital, Mountain Road, Mount Eden, Auckland.
Tauranga Hospital Board, Tauranga.
Thames Hospital Board, Thames.
Waikato Hospital Board, Hamilton.
Whangarei Hospital Board, Whangarei.

TARANAKI INDUSTRIAL DISTRICT

Hawera Hospital Board, Hawera.
Stratford Hospital Board, Stratford.
Taranaki Hospital Board, New Plymouth.

WELLINGTON INDUSTRIAL DISTRICT

Dannevirke Hospital Board, Dannevirke.
Hawke's Bay Hospital Board, Napier.
Hawke's Bay Hospital Board, Hastings.
Lewisham Hospital, Florence Street, Wellington.
Palmerston North Hospital Board, Palmerston North.
Pukeora Sanatorium Committee, Waipukurau.
Waipawa Hospital Board, Waipukurau.
Wairarapa Hospital Board, Masterton.
Wairoa Hospital Board, Wairoa.
Wellington Hospital Board, Wellington.
Wellington Hospital Board, Lower Hutt.
Wanganui Hospital Board, Wanganui.

MARLBOROUGH INDUSTRIAL DISTRICT

Marlborough Hospital Board, Blenheim.

NELSON INDUSTRIAL DISTRICT

Nelson Hospital Board, Nelson.

WESTLAND INDUSTRIAL DISTRICT

Buller Hospital Board, Westport.
 Grey River Hospital Board, Greymouth.
 Westland Hospital Board, Hokitika.

CANTERBURY INDUSTRIAL DISTRICT

Ashburton Hospital Board, Ashburton.
 Lewisham Hospital, Bealey Avenue, Christchurch.
 North Canterbury Hospital Board, Riccarton Road, Christchurch.
 South Canterbury Hospital Board, Church Street, Timaru.
 St. George's Private Hospital, Milford Street, Christchurch.
 Waimate Hospital Committee, Queen Street, Waimate.

OTAGO AND SOUTHLAND INDUSTRIAL DISTRICT

Otago Hospital Board, 12 Hanover Street, Dunedin.
 Southland Hospital Board, 41 Tay Street, Invercargill.
 South Otago Hospital Board, Balclutha.
 Waitaki Hospital Board, Oamaru.
 Waipiata Sanatorium Committee, Waipiata, Central Otago.

THE Court of Arbitration of New Zealand (hereinafter called "the Court"), having taken into consideration the matter of the above-mentioned dispute, and having heard the union by its representatives duly appointed, and having also heard such of the employers as were represented either in person or by their representatives duly appointed, and having also heard the witnesses called and examined and cross-examined by and on behalf of the said parties respectively, doth hereby order and award:—

That, as between the union and the members thereof and the employers and each and every of them, the terms, conditions, and provisions set out in the schedule hereto and of this award shall be binding upon the union and upon every member thereof and upon the employers and upon each and every of them, and that the said terms, conditions, and provisions shall be deemed to be and they are hereby incorporated in and declared to form part of this award; and, further, that the union and every member thereof and the employers and each and every of them shall respectively do, observe, and perform every matter and thing by this award and by the said terms, conditions, and provisions respectively required to be done, observed, and performed, and shall not do anything in contravention of this award or of the said terms, conditions, and provisions, but shall in all respects abide by and perform the same. And the Court doth hereby further award, order, and declare that any breach of the said terms, conditions, and provisions set out in the schedule hereto shall constitute a breach of this award, and that a penalty

as by law provided shall be payable by any party or person in respect thereof. And the Court doth further order that this award shall take effect as hereinafter provided and shall continue in force until the 22nd day of August, 1946, and thereafter as provided by subsection (1) (d) of section 89 of the Industrial Conciliation and Arbitration Act, 1925.

In witness whereof the seal of the Court of Arbitration hath hereto been affixed, and the Judge of the Court hath hereunto set his hand, this 22nd day of August, 1945.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Industry to which Award applicable

1. This award shall apply to engine-drivers and firemen in the employ of all Hospital Boards and other hospitals throughout the Dominion of New Zealand.

Hours of Work

2. (a) The ordinary hours of work shall be forty per week, eight hours each day on any five days of the week, by day or night as the employer requires.

(b) The hours of work each day shall be worked continuously with or without an interval for a meal; in the case of day-workers (other than shift-workers) the meal interval, if given, shall not exceed one hour; in the case of shift-workers, crib-time shall be allowed and included in the hours worked.

(c) Shifts may be worked during any part of the day or night: Provided that where shifts commence after midday or before 6 a.m., a shift rate of 2s. per shift extra shall be paid.

(d) In cases where two or more shifts are worked in any period of twenty-four hours, the men employed shall change shifts weekly or as may be agreed between the particular employer and the men through the local branch of the union: Provided that such changes of shift shall not involve payment of overtime.

(e) Any worker called upon to perform work shall be paid for a minimum period of eight hours per day or shift. This provision, however, shall not apply to work coming within the scope of clause 15 of this award.

Wages

3. The following shall be the minimum rates of wages:—

(a) Where the work that an engine-driver is employed to do requires that he shall hold a first-class certificate as a stationary-engine driver and he is the holder of such certificate	Per Week. £ s. d. 6 11 8
(b) Where the work that an engine-driver is employed to do requires that he shall hold a second-class certificate as a stationary-engine driver and he is the holder of such certificate	6 6 8
(c) Where the work that a worker is employed to do does not require that he shall hold any certificate	6 1 8

Increase in Rates of Remuneration

4. All rates of remuneration, including time and piece wages and overtime and any other special payments, provided for in this award shall be increased to the extent and in the manner prescribed by the two general orders of the Court made under the Rates of Wages Emergency Regulations 1940, and dated the 9th August, 1940, and the 31st March, 1942, respectively.

EXPLANATORY NOTE.—(1) The general order of the 9th August, 1940, increased rates of remuneration determined by awards and industrial agreements and apprenticeship orders by an amount equal to 5 per cent. thereof.

(2) (a) The general order of the 31st March, 1942, further increased rates of remuneration determined by awards and industrial agreements and apprenticeship orders (inclusive of the 5 per cent. increase provided by the general order of the 9th August, 1940) by an amount equal to 5 per cent. thereof, but excluded from the increase such portion of the remuneration of each worker as exceeded—

- (i) The amount of £5 a week in the case of male workers twenty-one years of age and over;
- (ii) The amount of £2 10s. a week in the case of female workers twenty-one years of age and over;
- (iii) The amount of £1 10s. a week in the case of male and female workers under twenty-one years of age; and
- (iv) The amount of £1 10s. a week in the case of apprentices under apprenticeship orders.

(b) The increase in rates of remuneration provided by the order referred to in (a) hereof applied to the unexcluded portion of the remuneration of each worker, irrespective of his or her total weekly remuneration.

(3) The term "rates of remuneration" includes time and piece wages and overtime and any other special payments. The term "remuneration" means actual earnings, including time and piece wages and overtime and any other special payments.

Dirt-money

5. (a) When workers are required to enter flues or back-end smoke-boxes for the purpose of cleaning them, or to chip and/or clean the interior of boilers while such boilers are laid off for inspection or overhaul, they shall be paid 2s. extra each day or part of a day while so employed.

(b) When workers are employed to dispose of refuse and/or offensive matter from a hospital other than by automatic means, they shall be paid 2s. 6d. extra each day or part of a day that they are so employed.

Overtime

6. All time worked outside or in excess of the hours prescribed in clause 2 hereof shall be paid for at the rate of time and a half for the first three hours and double time thereafter, except when overtime is worked for the purpose of changing the shifts, when ordinary rates of pay shall be paid.

Stand-by Time

7. Where any worker, other than a shift-worker, is required to stand by during the meal-hour, he shall be paid for such time at time and a half rates. Such time shall not be counted in the prescribed daily or weekly hours. The provisions of this clause shall not apply to a worker who is paid for crib-time.

Sunday and Holiday Work

8. Notwithstanding the provisions of clause 6 of this award, all time worked on Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Monday, Labour Day, Anzac Day, the birthday of the reigning Sovereign, and on Sundays shall be paid for at not less than half time rates in addition to the ordinary weekly wage.

Annual Holiday

9. (a) All workers shall be allowed three weeks' holiday per annum on full pay at ordinary rates as set out in clause 3 hereof on completion of twelve months' service.

(b) Such holiday shall be given and taken within a period of two months after the completion of twelve months' service.

(c) If any worker completes less than twelve months' service, such worker shall be entitled to a proportionate allowance for holidays. Such qualifying period shall date

from the commencement of the employment or from the expiry date of the last qualifying period in respect of which the worker received or became entitled to a holiday.

(d) Relieving workers shall be allowed a payment in lieu of holidays proportionate to the time served.

(e) Any worker entitled to holidays shall receive payment for same prior to commencing the holidays.

Sick-leave

10. Every worker shall be entitled to sick-leave on pay as provided for in the general by-laws and regulations of the employer.

Medical and/or Surgical Treatment

11. Every worker shall be entitled to medical and surgical treatment as provided for in any general by-laws and regulations of the employing Board or in accordance with the established practice for the treatment of staff in the institution where the worker is employed.

Notice of Leaving or Dismissal

12. In case of dismissal of any worker under this award, not less than one working-week's notice shall be given by the employer or a week's wages calculated at the rate normally received by the worker shall be paid in lieu of such notice. In the case of a worker leaving of his own accord, not less than one working-week's notice shall be given to the employer by the worker concerned: Provided, however, that the foregoing provisions shall be read as being subject to the employer's right to dismiss an employee without notice for misconduct, when a worker shall be subject to instant dismissal and entitled to his pay up to the time of dismissal only.

Payment when transferred temporarily to other Work

13. When any worker coming within the scope of this award is transferred temporarily to any other class of work, he shall be paid not less than the wages he is at the time receiving under this award: Provided that if the work to which he is removed is paid for at a higher rate, he shall be paid at such higher rate provided for the work to which he is removed.

Youths

14. (a) Nothing in this award shall apply to youths up to the age of eighteen years employed in firing or assisting in firing or oiling or greasing. This clause shall be read as expressly subject to the provisions of the Inspection of Machinery Act, 1928, and its amendments.

(b) Youths employed as firemen or assistants shall be paid the following rates:—

- (i) Eighteen and under nineteen years of age, £4 10s. per week.
- (ii) Firemen or assistants over nineteen years of age shall be paid the minimum rate of wages prescribed by this award.

Emergency Work

15. Any worker who having completed a day's work and left the job and/or who in ordinary circumstances would not be on duty and who is called upon in the case of emergency to resume duty shall be paid for a minimum of two hours at overtime rates.

Heat Provisions

16. (a) Any worker required to work in any compartment or confined space where the heat exceeds 110 degrees Fahrenheit shall be paid, in addition to the rate of wages to which he is entitled for the time at which the work is performed, a special heat rate computed at ordinary time rates for the time he is so employed.

(b) No worker shall be compelled to work in any space where the temperature has been raised to above 150 degrees.

Payment of Wages

17. Where possible, wages shall be paid weekly not later than Thursday of each week: Provided, however, that where it is customary to pay wages at other than weekly periods, workers coming within the scope of this award shall receive their wages in accordance with the general custom prevailing.

Shelter Convenience

18. Reasonable protection from the inclemency of the weather shall be provided for workers at coal bunkers and at boilers, engines, or machinery of any kind.

Matters not provided for

19. The essence of this award being that the work of the employers shall not on any account whatsoever be impeded but shall always proceed as if no dispute had arisen, it is provided that if any dispute or difference shall arise between the parties bound by this award, or any of them, as to any matter whatsoever arising out of or connected therewith and not dealt with in this award, every such dispute or difference shall be referred to a committee to be composed of two representatives of each side, together with, if required by either party, an independent chairman to be mutually agreed upon or, in default of agreement, to be appointed by the Conciliation Commissioner. Either party to the dispute shall have the right to appeal to the Court against the decision of the majority of such committee upon giving to the other party written notice of such appeal within fourteen days after such decision has been made known to the party desirous of appealing.

Right of Entry

20. The secretary or other authorized officer of the union of workers shall, with the consent of the employer (which consent shall not be unreasonably withheld), be entitled to enter at all reasonable times upon the premises or works and there interview any workers, but not so as to interfere unreasonably with the employer's business.

Workers to be Members of Union

21. (a) Subject to the provisions to subsection (5) of section 18 of the Industrial Conciliation and Arbitration Amendment Act, 1936, it shall not be lawful for any employer bound by this award to employ or to continue to employ in any position or employment subject to this award any adult person who is not for the time being a member of an industrial union of workers bound by this award.

(b) For the purposes of subclause (a) of this clause a person of the age of eighteen years or upwards, and every other person who for the time being is in receipt of not less than the minimum rate of wages prescribed by this award for workers of the age of twenty-one years and upwards, shall be deemed to be an adult.

(c) Every person who, being obliged to become a member of any union by the operation of the foregoing provisions, fails to become a member of that union when requested so to

do by his employer or any officer or representative of the union commits a breach of this award, and shall be liable accordingly.

(NOTE.—Attention is drawn to subsection (4) of section 18 of the Industrial Conciliation and Arbitration Amendment Act, 1936, which gives to workers the right to join the union.)

Under-rate Workers

22. (a) Any worker who considers himself incapable of earning the minimum wage fixed by this award may be paid such lower wage as may from time to time be fixed, on the application of the worker after due notice to the union, by the local Inspector of Awards or such other person as the Court may from time to time appoint for that purpose; and such Inspector or other person in so fixing such wage shall have regard to the worker's capability, his past earnings, and such other circumstances as such Inspector or other person shall think fit to consider after hearing such evidence and argument as the union and such worker shall offer.

(b) Such permit shall be for such period, not exceeding six months, as such Inspector or other person shall determine, and after the expiration of such period shall continue in force until fourteen days' notice shall have been given to such worker by the secretary of the union requiring him to have his wage again fixed in manner prescribed by this clause: Provided that in the case of any person whose wage is so fixed by reason of old age or permanent disability it may be fixed for such longer period as such Inspector or other person shall think fit.

(c) Notwithstanding the foregoing, it shall be competent for a worker to agree in writing with the president or secretary of the union upon such wage without having the same so fixed.

(d) It shall be the duty of the union to give notice to the Inspector of Awards of every agreement made with a worker pursuant hereto.

(e) It shall be the duty of an employer, before employing a worker at such lower wage, to examine the permit or agreement by which such wage is fixed.

Application of Award

23. This award shall apply to the original parties named herein, and shall extend to and bind as subsequent party hereto every trade-union, industrial union, industrial association, or employer who, not being an original party hereto, is,

when this award comes into force or at any time whilst this award is in force, connected with or engaged in the industry to which this award applies within the industrial districts to which this award relates.

Scope of Award-

24. This award shall operate throughout the Northern, Taranaki, Wellington, Marlborough, Nelson, Westland, Canterbury, and Otago and Southland Industrial Districts.

Term of Award

25. This award, in so far as it relates to wages, shall be deemed to have come into force on the 1st day of April, 1945, and so far as all the other conditions of this award are concerned it shall come into force on the day of the date hereof; and this award shall continue in force until the 22nd day of August, 1946.

In witness whereof the seal of the Court of Arbitration hath hereto been put and affixed, and the Judge of the Court hath hereunto set his hand, this 22nd day of August, 1945.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

The principal matters referred to and settled by the Court related to hours of work, shift allowance, wages, overtime, holiday and Sunday work, stand-by time, dirt-money, holidays, heat provisions, and date of coming into force of award.

In making wages payable retrospectively to the 1st April, 1945, the Court has taken into consideration the application made under the Economic Stabilization Emergency Regulations 1942, Amendment No. 5, for amendment of the expiring award.

Mr. Prime is not in agreement, and his dissenting opinion follows.

A. TYNDALL, Judge.

DISSENTING OPINION OF MR. PRIME

In view of the fact that extended annual leave is allowed, I do not think that the extra payments for shift-work and for work on Sundays and holidays are warranted.